

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID MARSTERS,)
by his next friend, Nancy Pomerleau;)
LORRAINE SIMPSON, by her guardian, Sara Spooner;)
SHERRI CURRIN, by her guardian, Sara Spooner;)
CAROLE CHOJNACKI, by her guardian, Sara Spooner;)
RICHARD CAOQUETTE, by his guardian, Sara Spooner;)
DONALD GRANT, by his guardian, Sara Spooner,)
on behalf of themselves)
and other similarly situated persons; and)
MASSACHUSETTS SENIOR ACTION COUNCIL,)

Plaintiffs,)

v.)

MAURA HEALEY, in her official capacity)
as Governor of the Commonwealth of Massachusetts;)
KATE WALSH, in her official capacity)
as Secretary, Executive Office of Health and)
Human Services;)
MATTHEW GORZKOWICZ, in his official capacity)
as Secretary of the Executive Office of Administration)
and Finance;)
ELIZABETH CHEN, in her official capacity as)
Secretary, Executive Office of Elder Affairs;)
and MICHAEL LEVINE, in his official capacity)
as Assistant Secretary of MassHealth,)

Defendants.)

CIVIL ACTION NO.
1:22-cv-11715-NMG

~~PROPOSED~~ ORDER PRELIMINARILY APPROVING SETTLEMENT AGREEMENT

The Court, having reviewed the proposed Settlement Agreement in this matter, the Parties' Motion for Preliminary Approval, and the Parties' proposed Notice to Class Members and Summary Notice, both of which are attached hereto as Exhibits 2 and 3, hereby Orders that:

1. The proposed Settlement Agreement is preliminarily approved as fair and reasonable;

2. The proposed class is provisionally certified as a settlement class pursuant to Fed. R. Civ. P. 23(e) and the following are provisionally appointed as class counsel: the Center for Public Representation, Justice in Aging, Greater Boston Legal Services, and Foley Hoag LLP.

3. The proposed Notice to Class Members and Summary Notice are approved. Within ten days of this Order, the Defendants shall mail a copy of the Notice to: (i) nursing facilities, with instructions to distribute copies to all residents; (ii) Aging Service Access Points; (iii) Independent Living Centers; and (iv) a list of advocacy and service organizations working with people with disabilities identified by the Plaintiffs and attached hereto as Exhibit 4. The Defendants shall also ensure the publication of the Summary Notice in the major newspapers in the Commonwealth that are listed on Exhibit 5 hereto.

3. The Court establishes the following schedule for approval of the Settlement Agreement:

- a. Notice distributed: April 30, 2024 and published: May 7, 2024
- b. Objections filed: May 31, 2024
- c. Memoranda in support of final approval filed: June 3, 2024
- d. Fairness hearing: ^{Mon.} June 17, 2024, at 3:00 p.m., Moakley Courthouse, Courtroom #4.

So ORDERED.

DATED: 04/22/2024


Honorable Nathaniel M. Gorton